

# DEFINITIONS

**Abalone Iron** means a flat device which is used for taking abalone and which is more than one inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

**ADF&G** means the Alaska Department of Fish & Game.

**Agency** means a subunit of a cabinet level Department of the Federal government having land management authority over the public lands. This includes: The U.S. Fish & Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and USDA Forest Service.

**Anchor** means a device used to hold a fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

**ANILCA** means the *Alaska National Interest Lands Conservation Act*, Public Law 96-487, 94 Stat. 2371, (December 2, 1980) and codified, as amended, in scattered sections of *16 U.S.C.* and *43 U.S.C.*

**Area, District, Subdistrict, and Section** means one of the geographical areas defined in the codified Alaska Department of Fish & Game regulations found in Title 5 of the *Alaska Administrative Code*.

**Barter** means a limited, noncommercial exchange of fish or shellfish (or their parts) taken for subsistence uses, for other fish or shellfish (or their parts). Barter can also mean exchanging subsistence taken fish or shellfish for wildlife, other food, or for non-edible items other than money.

**Beach seine** means a floating net which is designed to surround fish and is set from and hauled to the beach.

**Board** means the Federal Subsistence Board.

**Cast net** means a circular net with a mesh size of no more than one and one-half

inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved.

**Char** means the following species: Arctic char (*Salvelinus alpinis*); lake trout (*Salvelinus namaycush*); brook trout (*Salvelinus fontinalis*), and Dolly Varden (*Salvelinus malma*).

**Conservation of healthy populations of fish and wildlife** means the maintenance of fish and wildlife resources and their habitats. Conditions should assure stable and continuing natural populations and species mix of plants and animals in relation to their ecosystem. Local rural residents engaged in subsistence uses may be a natural part of that ecosystem.

Conservation minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species. It ensures the maximum diversity of options for the future. Conservation principles recognize the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem.

**Crab** means the following species: Red king crab (*Paralithodes camshatica*); blue king crab (*Paralithodes platypus*); brown king crab (*Lithodes aequispina*); *Lithodes couesi*; all species of tanner or snow crab (*Chionoecetes* spp.); and Dungeness crab (*Cancer magister*).

**Customary and traditional use** means a long-established, consistent pattern of use, incorporating beliefs and customs that have been transmitted from generation to generation. This use plays an important role in the economy of the community.

**Customary trade** means cash sale of fish or wildlife resources, not otherwise prohibited by Federal law or regulation, to support personal and family needs. Customary trade does not include trade that constitutes a significant commercial enterprise.

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**Depth of net** means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the webbing composing the net.

**Dip net** means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening. No portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches. The frame must be attached to a single rigid handle and be operated by hand.

**Diving gear** means any type of hard hat or skin diving equipment, including SCUBA equipment, a tethered, umbilical, surface-supplied, or snorkel.

**Drainage** means all of the waters comprising a watershed, including tributary rivers, streams, sloughs, ponds and lakes which contribute to the water supply of the watershed.

**Drift gillnet** means a drifting gillnet that has not been intentionally staked, anchored or otherwise fixed.

**Family** means all persons related by blood, marriage or adoption, or any person living within the household on a permanent basis.

**Federal land(s)** means lands and waters, the title to which belongs to the United States, including navigable and non-navigable waters in which the United States has reserved water rights.

**Fish and wildlife** means any member of the animal kingdom, including any mammal, fish, amphibian, reptile, mollusk, crustacean, arthropod, or bird (including any migratory, nonmigratory or endangered birds protected by treaty or other international agreement) or other invertebrate. Fish and wildlife also includes any animal kingdom part, product,

egg, offspring, or the carcass or part of the carcass.

**Fishwheel** means a fixed, rotating device, with no more than four baskets on a single axle, for catching fish which is driven by river current or other means.

**Freshwater of streams and rivers** means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide.

**Fyke net** means a fixed, funneling (fyke) device used to entrap fish.

**Gear** means any type of fishing apparatus.

**Gillnet** means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

**Grappling hook** means a hooked device with flukes or claws, which is attached to a line and operated by hand.

**Groundfish** (or **bottomfish**) means any marine fish except halibut, osmerids, herring and salmonids.

**Handline** means a hand-held and operated line, with one or more hooks attached.

**Hand purse seine** means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line. Pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

**Herring pound** means an enclosure used primarily to contain live herring over extended periods of time.

**Household** means a person or persons having the same residence.

**Hung measure** means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

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**Hydraulic clam digger** means a device using water or a combination of air and water to remove clams from their environment.

**Inland waters** means waters located landward of the mean high tide line or upstream of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea. Inland waters include (but are not limited to) lakes, reservoirs, ponds, streams, and rivers.

**Jigging gear** means a line (or lines) with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice, or from shore ice and which are drawn through the water by hand.

**Lead** means either a length of net employed for guiding fish into a seine, set gillnet, or other length of net, or a length of fencing employed for guiding fish into a fishwheel, fyke net or dip net.

**Legal limit of fishing gear** means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section.

**Long line** means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

**Marine Waters** are those waters located seaward of the mean high tide line or seaward of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea.

**Mechanical clam digger** means a mechanical device used or capable of being used for the taking of clams.

**Mechanical jigging machine** means a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

**Mile** means a nautical mile when used in reference to marine waters or a statute mile

when used in reference to fresh water.

**Person** means an individual and does not include a corporation, company, partnership, firm, association, organization, business, trust or society.

**Possession limit** means the maximum number of fish a person or designated group may have in possession if the fish have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15 day period.

**Pot** means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

**Purse seine** means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

**Public land(s)** means: 1) Federal lands situated in Alaska, except:

(i) State of Alaska land selected under the *Alaska Statehood Act* or granted to the State or Territory of Alaska under any other provision of Federal law;

(ii) Native Corporation land selected under the *Alaska Native Claims Settlement Act*, 43 U.S.C. 1601 *et seq.*, but not conveyed to a Native Corporation (unless that selection is invalid or relinquished);

(iii) Lands referred to in Section 19(b) of the *Alaska Native Claims Settlement Act*, 43 U.S.C. 1618(b).

2) Until conveyed, all Federal lands within the boundaries of any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Forest Monument, National Recreation Area, National Conservation Area, new National forest or forest addition will be treated as public lands for the purposes of these regulations.

**Regional Councils** are advisory bodies representing the ten subsistence resource regions in Alaska. The Regional Councils

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review and propose changes to Federal subsistence management regulations; provide a regional forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife resources on public lands; and provide for public participation in the Federal regulatory process. Members must be residents of the region they represent, be knowledgeable about the region and subsistence uses of the lands and waters, and are appointed by the Secretaries.

**Regulatory year** for fisheries and shellfish means March 1 through the last day of February.

**Reserved water right(s)** means the Federal right to use unappropriated appurtenant water necessary to accomplish the purposes for which the Federal reservation was established. Reserved water rights include nonconsumptive and consumptive uses of water.

**Resident** means any person whose primary, permanent home for the previous 12 months was within Alaska. Whenever absent from this primary, permanent home, the person has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include: An address listed on an Alaska Permanent Fund dividend application; an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; an affidavit from person(s) who know the individual; voter registration; location of residences owned, rented or leased; location of stored household goods; residence of spouse, minor children or dependents; tax documents; or whether the person claims residence in another location for any purpose.

**Ring net** means a bag-shaped net suspended between no more than two frames. The bottom frame may not be larger in perimeter than the top frame. The gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

**Rockfish** means all species of the genus *Sebastes*.

**Rod and reel** means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole; or a line that is attached to a pole.

**Rural** means any community or area of Alaska determined by the Board to qualify as rural, using guidelines in Federal regulations. Only residents of communities or areas that the Board has determined to be rural are eligible for subsistence priority (see page v).

**Salmon** means the following species: Pink salmon (*Oncorhynchus gorbuscha*); sockeye "red" salmon (*Oncorhynchus nerka*); chinook "king" salmon (*Oncorhynchus tshawytscha*); coho "silver" salmon (*Oncorhynchus kisutch*); and chum salmon (*Oncorhynchus keta*).

**Salmon stream** means any stream used by salmon for spawning or for traveling to a spawning area.

**Salmon stream terminus** means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.

**Scallop dredge** means a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor.

**Sea urchin rake** means a hand-held implement, no longer than four feet, equipped with projecting prongs used to gather sea urchins.

**Secretary** means the Secretary of the Interior, except when referring to any unit of the National Forest System, when such term means the Secretary of Agriculture.

**Set gillnet** means a gillnet that has been intentionally set, staked, anchored, or otherwise fixed.

**Shovel** means a hand-operated implement for digging clams or cockles.

**Spear** means a shaft with a sharp point

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or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

**State** means the State of Alaska.

**Stretched measure** means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet. The 10 meshes, when being measured, must be an integral part of the net, as hung, and measured perpendicular to the selvages. Measurements must be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight.

**Subsistence fishing permit** means a permit issued by the Alaska Department of Fish & Game, unless specifically identified otherwise.

**Subsistence uses** means the customary and traditional uses by rural Alaska residents of wild, renewable resources. These uses are for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

**Take** or **taking** with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

**To operate fishing gear** means any of the following: To deploy gear in the water; to remove gear from the water; to remove fish or shellfish from the gear during an open season or period; or to possess a gillnet containing fish during an open fishing period, except that a gillnet which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

**Trawl** means a bag-shaped net towed

through the water to capture fish or shellfish, and includes beam, otter, or pelagic trawl.

**Troll gear** means a power gurdy troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy; hand troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment; or dinglebar troll gear consisting of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

**Trout** means the following species: Cutthroat trout (*Oncorhynchus clarki*) and rainbow trout or steelhead trout (*Oncorhynchus mykiss*).

**Year** means calendar year unless another year is specified.